



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Regulatory Division

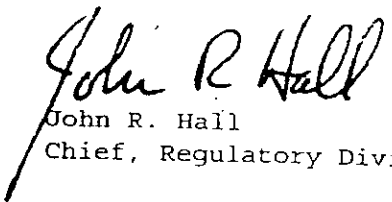
DEC 1 1998

## ***PUBLIC NOTICE***

Setback Criterion for works proposed in the Atlantic Intracoastal Waterway from the Florida State line south to the St. Johns River; Intracoastal Waterway on the east coast of Florida, from the St. Johns River to Miami; Intracoastal Waterway on the west coast of Florida, from the Caloosahatchee River to the Anclote River; and Okeechobee Waterway, those portions not covered by Regional General Permit number 67. This would include the waterway from the W.P. Franklin Lock and Control Structure west to Punta Rassa and from the St. Lucie Lock and Dam east to its intersection with the east coast Intracoastal Waterway.

TO WHOM IT MAY CONCERN: The Jacksonville District of the US Army Corps of Engineers has finalized the assessment and development of setback criterion to be applied during the review and evaluation of all proposed works located in the Federal Channels noted above. The initial version of a setback criterion was advertised through a public notice circulated in January of 1998. In response to the comments received, public meeting were held at several locations around the state in order to gather more detailed information. After full consideration of the concerns raised by the general public and other interested parties, the attached criterion was developed and approved for use in the Jacksonville District.

If you have any questions concerning the information provided in this notice, you may contact Jon M. Griffin of this office either by letter at the letterhead address, by e-mail at [jon.m.griffin@saj02.usace.army.mil](mailto:jon.m.griffin@saj02.usace.army.mil), or by telephone at 904-264-1273.

  
John R. Hall  
Chief, Regulatory Division

23 November 1998

MEMORANDUM FOR RECORD

SUBJECT: Setback Criterion

1. PURPOSE: This memorandum establishes U.S. Army Corps of Engineers, Jacksonville District, (Corps) policy and guidance regarding setback criterion for structures along the Federal channels noted in Section 3. This criterion is necessary to minimize potential hazards to navigation and impediments to maintenance dredging created by fixed structures or moored vessels along the edge of the navigational channel. It is the intent of this policy to both equitably manage the construction of structures along the Federal channels so that all property owners achieve some form of structural access while preserving the Government's ability to maintain such waterways and the public's rights to safe navigation.

2. DEFINITIONS: The following terms are defined for the purpose of this memorandum.

(a) channel - This term will be utilized throughout this document to identify any or all of the waterways listed in Section 3. More specifically, it refers to the areas within the waterways, which are part of a federally authorized and maintained navigational project.

(b) currently serviceable - This term will mean that the structure is usable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

(c) design depth/edge - The channel depth/edge which the Corps has been authorized to maintain.

(d) mean lower low water (MLLW) - This is the average height of the daily lower-low waters for an area over a 19-year period.

(e) setback - This term will be used to indicate a distance measured horizontally from the established design edge of the channel towards the shoreline of the waterbody.

(f) side slope - This term refers to the inclined area located adjacent to and outside of the established channel.

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(g) structures - This term shall include, without limitation, any pier, boat dock, boatramp, floating dock, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, mooring pile, aid to navigation, davit, or any other obstacle or obstruction including any moored vessel.

(h) top of slope - A distance measured horizontally from the design edge of the established channel shoreward to a point determined by multiplying the design depth of the channel by the ratio of the slope. For this document the ratio is considered to be 3:1.

(i) X & Y State Plane Coordinates - A set of two coordinates based on the North American Datum of 1927 which describe a unique point. The X&Ys refer to unique points, which describe the waterwardmost edge of a structure, proposed or existing. These coordinate points are entered into a specialized computer program, which determines the horizontal distance from those points to the edge of the Federal Channel.

3. APPLICABILITY: This criterion supersedes all previous structure setback criteria issued by the Corps'. Jacksonville District and will be applicable to those structures located within the following waterways:

**Atlantic Intracoastal Waterway** from the Florida State line south to the St. Johns River,  
**Intracoastal Waterway** on the east coast of Florida, from the St. Johns River to Miami,  
**Intracoastal Waterway**, on the west coast of Florida, from the Caloosahatchee River to the Anclote River,  
**Okeechobee Waterway**, those portions not covered by Regional General Permit number 67. This would include the waterway from the W.P. Franklin Lock and Control Structure west to Punta Rassa and from the St. Lucie Lock and Dam east to its intersection with the east coast Intracoastal Waterway.

4. CRITERION: The standard setback criterion for all structures proposed in the Federal channels is 100 feet from the near bottom edge of the channel. All permit applications proposing the construction of structures within 100 feet of the edge of the Federal channel will be individually reviewed by the Corps and the non-Federal local sponsor of the channel segment. During the review and evaluation of all applications, every effort will be

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made to locate any authorized structure as far from the edge of the channel as practicable. Items which will be reviewed to justify the location of the structure will include, but not limited to, water depth at low tide, submerged vegetation, shoreline vegetation (i.e. mangrove fringe), public health and safety, and the proposed use of the structure.

Variances to this optimum setback distance may be allowed as follows.

- a. All applicants requesting a variance to the 100-foot setback must demonstrate a need to extend within 100 feet of the edge of the channel.
- b. Substantial justification **must** be demonstrated by all applicants requesting a variance which would place the proposed structure closer than 62.5 feet from the edge of the channel.
  - i. environmental restraints that can not be mitigated,
  - ii. impracticality or inability to dredge an access channel, or
  - iii. unique physical restraints.
- c. At a minimum, for all applications, a marginal dock extending 5 feet from the existing bulkhead, seawall, or MLLW shoreline into the waterway and of a reasonable length along the waterway will generally be approved.
- d. Except as noted in paragraph 4c structures will not be permitted closer to the channel than the top edge of the side slope of the channel.
- e. Variances closer than 62.5 feet will not be allowed for structures that will not be utilized to dock a vessel or for docking structures achieving adequate mooring depth at the 62.5 foot set back distance. The Corps shall make the final determination as to whether the mooring depth is adequate for the proposed structure and vessel.

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All applications will indicate the mooring locations of vessels expected to use the structure. If terminal mooring is proposed and no mooring pilings are included in the proposal, a minimum vessel beam width of 10 feet will be applied to establish the structure setback distance. A larger beam width may be utilized if information is provided or obtained which indicates larger vessels will be docked at the structure.

In order to determine the distance from the channel, all applications for projects in the vicinity of the channel will be required to supply X & Y State Plane Coordination Points (X&Ys) for the most waterward points of the proposed structure. The X&Ys must be determined utilizing the 1927 Datum. Additionally, all approved projects will be required to submit as-built X&Ys upon completion of the work for review and approval by the Corps' Regulatory Division prior to the structure being utilized.

5. Existing Structures: Previously authorized, currently serviceable structures may be repaired or rehabilitated such that they maintain the authorized footprint and do not extend beyond their authorized distance from the edge of the Federal channel. The Corps will make the determination of whether an existing structure is currently serviceable.

In the event that a previously authorized, currently serviceable structure is destroyed by an act of nature or other sudden event, or an applicant proposes to modify an existing, currently serviceable structure, a new application will be required which will be reviewed under the guidance of the current setback criterion. Since the review will utilize the current setback criterion, it is possible that any authorized reconstruction will not be the same size or design as the original structure.

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SUBJECT: Setback Criterion

REVIEWED AND CONCURRED:

  
JOHN R. HALL  
Chief, Regulatory Division

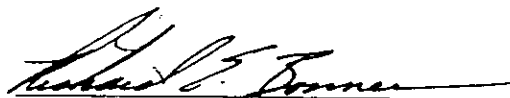
REVIEWED AND CONCURRED:

  
GIRALMO DICHARA  
Chief, Construction-Operations  
Division

REVIEWED AND CONCURRED:

  
EDWARD E. MIDDLETON  
Chief, Engineering Division

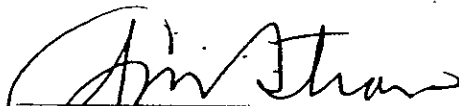
REVIEWED AND CONCURRED:

  
RICHARD E. BONNER  
Chief, Programs/Project  
Management Division

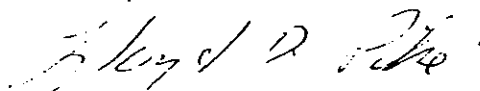
REVIEWED AND CONCURRED:

  
BART J. WIVELL  
Chief, Real Estate Division

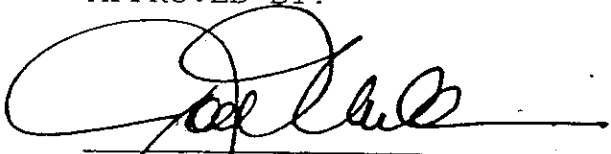
REVIEWED AND CONCURRED:

  
GEORGE M. STRAIN  
Acting Chief, Planning Division

REVIEWED AND CONCURRED:

  
LLOYD D. PIKE  
Chief, Office of Counsel  
by Marilyn L. Gentry  
Asst. Dist. Counsel

APPROVED BY:

  
JOE R. MILLER  
Colonel, Corps of Engineers  
Commanding